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HOUSE BILL 24

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

John A. Heaton

AN ACT

**RELATING TO ECONOMIC DEVELOPMENT; CHANGING CERTAIN PROVISIONS
OF THE DEVELOPMENT TRAINING PROGRAM TO PERMIT USE OF TRAINING
FUNDS FOR PART-TIME EMPLOYEES AND TO PROVIDE FOR TRAINING FUNDS
FOR FULL-TIME-EQUIVALENT POSITIONS.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. Section 21-19-7 NMSA 1978 (being Laws 1983,
Chapter 299, Section 1, as amended) is amended to read:**

"21-19-7. DEVELOPMENT TRAINING. --

**A. The economic development department shall
establish a development training program that provides quick-
response classroom and in-plant training to furnish qualified
manpower resources for new or expanding industries and non-
retail service sector businesses in New Mexico that have
business or production procedures that require skills unique to**

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1 those industries. Training shall be custom designed for, [~~the~~
2 ~~particular company~~] and [~~shall be~~] based on the special
3 requirements of, each company. The program shall be operated
4 on a statewide basis and shall be designed to assist any area
5 in becoming more competitive economically.

6 B. There is created the "industrial training board"
7 composed of:

8 (1) the director of the economic development
9 division of the economic development department;

10 (2) the director of the vocational education
11 division of the state department of public education;

12 (3) the director of the job training division
13 of the labor department;

14 (4) the executive director of the commission
15 on higher education;

16 (5) one member from organized labor appointed
17 by the governor; and

18 (6) one public member from the business
19 community appointed by the governor.

20 C. The industrial training board shall establish
21 policies and promulgate rules [~~and regulations~~] for the
22 administration of appropriated funds and shall provide review
23 and oversight to [~~assure~~] ensure that funds expended from the
24 development training fund will generate business activity and
25 give measurable growth to the economic base of New Mexico

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1 within the legal limits preserving the ecological state of New
2 Mexico and its people.

3 D. Subject to the approval of the industrial
4 training board, the economic development division of the
5 economic development department shall:

6 (1) administer all funds allocated or
7 appropriated for industrial development training purposes;

8 (2) provide designated training services;

9 (3) regulate, control and abandon any training
10 program established under the provisions of this section;

11 (4) assist companies requesting training in
12 the development of a training proposal to meet the companies'
13 manpower needs;

14 (5) contract for the implementation of ~~[all]~~
15 training programs;

16 (6) provide for training by educational
17 institutions or by ~~[the]~~ a company through in-plant training,
18 at ~~[the]~~ that company's request; and

19 (7) evaluate training efforts on a basis of
20 performance standards set forth by the industrial training
21 board.

22 E. The vocational education division of the state
23 department of public education shall provide technical
24 assistance to the economic development department concerning
25 the development of agreements, the determination of the most

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1 appropriate instructional training to ~~[provide]~~ be provided and
2 the review of training program implementation.

3 F. The state shall contract with a company or an
4 educational institution to provide training or instructional
5 services in accordance with the approved training proposal and
6 within the following limitations:

7 (1) ~~[no]~~ payment shall be made for ~~[training~~
8 ~~in excess of]~~ up to one thousand forty hours of training per
9 ~~[trainee for the total duration of training]~~ full-time-
10 equivalent position;

11 (2) training applicants shall have resided
12 within the state for a minimum of one year immediately prior to
13 the commencement of the training program and be of legal status
14 for employment; provided, however, that prior to July 1, 2004,
15 the residency requirements may be waived in part for ~~[projects]~~
16 a project within a New Mexico ~~[communities]~~ community located
17 within fifty miles of the state border if the project meets the
18 following criteria:

19 (a) the project will employ more than
20 one thousand five hundred employees;

21 (b) the resident labor force within a
22 fifty-mile radius of the project location is not sufficient to
23 fill the full-time-equivalent position requirements of the
24 project as determined by the labor department;

25 (c) preference for training shall be

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1 given to New Mexico residents; and

2 (d) no less than fifty percent of the
3 project's work force shall be residents of New Mexico;

4 (3) payment for institutional classroom
5 training shall be made [~~under any~~] pursuant to an accepted
6 training contract for a qualified training program;

7 (4) [~~no~~] payment shall not be made [~~under any~~]
8 pursuant to an accepted training contract for rental of
9 facilities unless facilities are not available on site or at
10 the educational institution;

11 (5) all applicants shall be eligible under the
12 federal Fair Labor Standards Act of 1938, as amended, and shall
13 not have terminated a public school program within the past
14 three months except by graduation;

15 (6) trainees shall be guaranteed [~~full-time~~]
16 employment with the contracted company upon successful
17 completion of the training;

18 (7) persons employed to provide the
19 instructional services shall be exempt from the minimum
20 requirements established in the state plan for other state
21 vocational programs; and

22 (8) [~~no~~] payment shall not be made for
23 training programs or production of Indian jewelry or imitation
24 Indian jewelry unless a majority of those involved in the
25 training program or production are of Indian descent. "

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